

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: PURI et al.
Serial Number: 09/235,120
Filing Date: January 21, 1999
Title: Methods And Systems Enabling
The Identification Of Actual Costs In A Transaction Based Financial And
Manufacturing Environment

Art Unit No.: 2164
Examiner: Malinowski, W.
Att'y Docket: ORCL5543

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Signature of Person Mailing Document(s)

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RESPONSE

Honorable Commissioner for Patents,
Washington, DC 20231

Sir:

The present paper is responsive to Office Action of March 28, 2001. A request and the proper fee for a two-month extension of time for response are included herewith.

Claims 1-27 were rejected under 35 USC §103(a) as being unpatentable over Morgan et al. (Morgan), U.S. Patent No. 5,799,286 or Castelaz, European Patent No. 0 362 874. Reconsideration and withdrawal of this rejection is respectfully requested.

The Examiner asserts that "Morgan and Castelaz teach systems, methods and databases for determining the total cost from various costs added together for business activities." At the outset, it is submitted that Castelaz does not teach systems, methods or databases for determining the total costs from various costs added together for business activities. Instead, Castelaz teaches a hardware processor that uses randomly triggered adaptive thresholds, and not any method of determining the total cost of a business activity. The Castelaz processor is designed to solve assignment problems, which are related to choosing an optimum solution among many tentative solutions. Tentative solutions are compared in a comparator to determine the goodness (nearness to the best solution) of

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the current solution. See Column 2, line 42 to Column 3, line 6 of this reference. In a recursive and adaptive manner, once the comparison is made, adjustments to the variable thresholds are made to lower the threshold if the current solution is classified as good and raised if the current solution is classified as bad.

The term "cost" in Castelaz does not refer to the monetary cost of any business activity. As explicitly stated beginning in Column 2, line 40, "The processor utilizes a matrix of simple processing elements, or cells, that are connected together in a regular structure. The cells accept as input, data which represents information or "Costs" in an assignment problem in two or greater dimensions." Indeed, the only application that is discussed in detail in this reference is the deghosting problem for angle only data, which refers to the military application of discriminating between ghosts and real targets using a multi sensor array. See Column 4, lines 12-24. Castelaz notes, beginning at Column 7, lines 53, that his system may be applied to other assignment problems, such as the Traveling Salesman Problem, optimal plot-to-track correlation processing, optimal weapons allocation, computerized tomography and others. There is no mention or even suggestion in Castelaz, of any method for collecting and presenting an actual (or any kind of) cost of performing a business activity, as claimed in the present application. As the claimed invention is not even remotely concerned with choosing an optimum solution to an assignment problem, the Castelaz reference is believed to be wholly irrelevant to the present invention. Indeed, the Castelaz reference does not, as acknowledged by the Examiner in the Office Action, disclose any of the claimed steps of collecting actual costs, creating a unique cost source identifier, associating each unique cost source identifier to the business activity and implementing a selected accounting costing method for actual cost collection and a selected accounting costing method for actual cost presentation. The only similarity between the present invention and the Castelaz's processor is

believed to be that the word "cost" is used in both. However, Castelaz's use of the word does not denote any actual costs in terms of money, but merely input to some system designed to solve the classical assignment problem (an optimization problem). It is respectfully submitted, therefore, that the claimed invention would be wholly unsuggested to one of ordinary skill in this art, even if such person was in full possession of the Castelaz reference. Indeed, to use the appropriate legal standard, to render the present invention obvious, the differences between the subject matter sought to be patented and Castelaz must be such that "the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." Such cannot be the case here, as Castelaz does not even discuss or suggest a single one of the claimed steps, much less the invention as a whole, as required by §103 of 35 U.S.C.

Morgan, as noted by the Examiner, also does not explicitly disclose the claimed invention. Indeed, Morgan discloses an automated activity-based system that utilizes a system that maps costs to Responsibility Centers (RC) and to Management Organizations, as shown in Figs. 4 and 5. Costs are collected either automatically or manually and allocated to people, facilities and equipment components of each activity and reports are then generated to determine a component cost allocation for each activity. See, for example, Fig. 17 and claim 1 of the Morgan reference. Morgan does not, however, teach or suggest the use of any structure akin to the claimed cost source identifiers, nor does Morgan teach or suggest associating each of the cost source identifiers with the business activity. Instead, Morgan appears to generically teach that "When data are electronically created such as the equipment utilization of CPUs, the data may be directly downloaded to the relational database 12 through the database server 62". See Column 6, lines 19-22. Morgan does not appear to teach that a new cost source identifier is created upon each occurrence of a transaction

that affects the actual cost of performing the business activity, as also claimed herein. Most telling, however, is that Morgan does not appear to teach or to suggest any means or methods for using or enabling the use of one accounting costing method for cost collection and another (independent) accounting costing method for cost presentation, as required by Claim 1.

That the applied references do not teach the claimed invention was admitted in the outstanding Office Action. However, the Examiner relied upon Official Notice to support the §103 rejection, noting that "it is well known to use independent routines for data capture and processing and data presentation and, to provide compartmentalized coding, would have been obvious to do". The Examiner's reliance upon Official Notice is believed to be misplaced and is hereby traversed. As required when traversing Official Notice, the Examiner is hereby respectfully requested to produce evidence of the well-known facts asserted in the Official Notice. However, even assuming *arguendo* that it is well known to use independent routines for data capture and processing and data presentation (which is not conceded by the applicants), such knowledge is believed to be irrelevant to the claimed invention. Claim 1 is reproduced below for the Examiner's convenience:

"1. A computer implemented actual costing method for collecting and presenting an actual cost of performing a business activity, comprising the steps of:

collecting actual costs of performing at least one of a job performed, an item manufactured and an item purchased in furtherance of the business activity,

creating a unique cost source identifier for each collected actual cost and storing the collected actual cost therein;

associating each unique cost source identifier to the business activity; and

implementing a selected accounting costing method for actual cost collection and a selected accounting costing method for actual cost presentation based upon the stored cost source identifiers, the selected accounting costing method for actual cost collection being independent of the selected accounting costing method for cost presentation."

The invention defined by claim 1 is not using independent routines for data capture and processing and data presentation, nor is the invention concerned with "compartmentalized

coding", which phrase is not understood by the applicants and not defined by the Examiner. The claims are the only proper metric from which the prior art may be measured. That the Examiner has taken Official Notice of some other supposedly well-known knowledge or process not reflected in the claims cannot properly form the basis of a §103 rejection. Here, the Examiner has not pointed to any teaching or suggestion in any of the references of any of the claimed steps or the claimed invention as a whole, again as required by §103.

Failing some teaching or suggestion of the claimed steps of collecting, creating, associating and implementing in the applied references or a valid application of Official Notice, the presently applied §103 rejection of the pending claims must be reconsidered and withdrawn. As the Examiner recalls, Official Notice must be based on facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art." See MPEP §2144.03. However, even if the facts asserted by the Examiner as being well-known are indeed capable of "instant and unquestionable" demonstration as being well-known in the art, the facts in question must relate to the claimed invention, or the application of Official Notice itself to claimed invention is without utility and ineffective to support a §103 rejection and fail to support a *prima facie* case of obviousness. Reconsideration and withdrawal of the §103 rejection applied to the pending claims is respectfully requested.

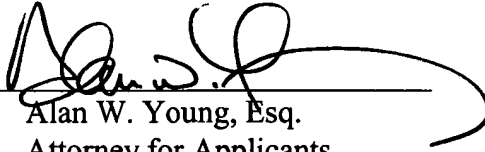
The Examiner is also respectfully reminded of the dictate of §2144.03 of the MPEP, which states "If no amendments are made to the claims, the examiner must not rely on any other teachings in the reference if the rejection is made final."

It is believed that the present response overcomes the outstanding rejection and places this application in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issue in this case. Should Examiner Malinowski have any further questions

regarding this amendment or the application in general, he need only call the undersigned, and whatever is needed will be done at once.

Respectfully submitted,

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